



REMARKS

This Amendment responds to the Office Action mailed on December 19, 2005.

No claims are amended, canceled, or added; as a result, claims 1-20 are pending in this application.

§102 Rejection of the Claims

Claims 12-14 were rejected under 35 USC § 102(e) as being anticipated by Chinta et al. (U.S. 6,879,995). The Applicant respectfully traverses this rejection. Additionally, Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), *cert. denied*, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (*emphasis added*). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131.

Claim 12 recites a server that comprises a processor and a memory coupled to the processor. The memory comprises a server application to build a page comprising an object, control information, and an initial status of the object. The server application further sends the page to a client, queues a change in the status, and sends the change to the client.

U.S. Patent No. 6,879,995 to Chinta et al. ("the '995 patent" or "Chinta") discloses a system and method for message logging for networked applications running on application

servers. (Col. 5, lines 20-22). The application servers execute a logging service that accepts requests from clients to log messages. (Col. 5, lines 33-34). For example, for an HTTP request, HTTP variables included in the request may be recorded. (Col. 5, lines 40-42). The logging service may automatically rotate log files. (Col. 5, lines 53-54). The logging service also handles error conditions or potential error conditions such as low storage or out of storage conditions. (Col. 5, lines 63-64).

The '995 patent does not anticipate claim 12 under 35 U.S.C. § 102(e) because the '995 patent does not disclose each and every limitation of claim 12. The portion of the '955 patent cited by the Office Action (Col. 8, line 67 – Col. 9, line 10) simply discloses a client that requests a particular application component of a server, and a server that determines the appropriate component, invokes the component, and returns the execution results back to the client. The cited portion of the '995 patent does not disclose, among other things, that the server builds a page comprising control information and an initial status of an object. The '995 patent also does not disclose that the server queues a change in the status.

Additionally, the other portion of the '995 patent cited by the Office Action (Col. 16, lines 31-60) does not disclose a server that "queue[s] a change in the status" of an object. Rather, the cited portion of the '995 patent merely discusses failed requests between a client and a server. It mentions nothing about queuing a change in status of an object.

Since the '995 patent does not disclose each and every limitation recited in claim 12, claim 12 is not anticipated by the '995 patent. Since claims 13 and 14 depend on claim 12, and thereby incorporate all of the limitations of claim 12, claims 13 and 14 are also not anticipated by the '995 patent. The Applicant respectfully requests the withdrawal of the rejection of these claims.

Claims 15-20 were rejected under 35 USC § 102(e) as being anticipated by Chinta et al. (U.S. 6,879,995) in view of Perholtz et al. (U.S. 5,732,212). The Applicant respectfully traverses this rejection.

Anticipation requires the disclosure of, in a single prior art reference, each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), *cert. denied*, 500 U.S. 904 (1991). The Office Action admits that the '995 patent does not disclose fetching a history of status of an object. Consequently, as a matter of law, claims

15-20 are not anticipated under 35 U.S.C. § 102(e) by the '995 patent to Chinta, and the Applicant respectfully requests the withdrawal of this rejection.

§103 Rejection of the Claims

Claims 9-10 were rejected under 35 USC § 103(a) as being unpatentable over Chinta et al. (U.S. 6,879,995) in view of Astarabadi et al. (U.S. 6,701,357). The Applicant respectfully traverses this rejection.

The Patent Office bears the initial burden of factually supporting a *prima facie* case of obviousness.¹ In order for the Office Action to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.²

Claim 9 recites a signal bearing medium bearing a page comprising an object, a client application to poll a server for the status of an object, and a script application to detect the object in the page, inform the client application of the object, and display the status.

Claim 9 is not unpatentable over Chinta in view of Astarabadi because neither Chinta nor Astarabadi, either separately or in combination, teach or suggest all the limitations of claim 9.

In particular, the Office Action states that Chinta, at Col. 16, line 64 through Col. 17, line 16, discloses a client application to poll a server for a status of an object. The Applicant respectfully disagrees. The cited portion of Chinta states that a thread may poll a server for the status of a request. Simply stated, a "request" is not an object. As an example, a "request" is an action that may originate from a client, and an object is an entity that may be associated with a server. The cited portions of Chinta (Col. 1, lines 31-36; Col. 7, lines 38-42; Col. 8, lines 28-35

¹ MPEP 2142.

² MPEP § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

and 52-67; Col. 9, lines 1-10) discuss the use of scripts, but they do not disclose a script application that detects an object in a page and informs a client application of the object as recited in claim 9.

Moreover, even if Chinta disclosed all the limitations of claim 9, there is no suggestion or motivation in Chinta or Astarabadi, in the prior art in general, or within the knowledge generally of one of skill in the art, to combine Chinta and Astarabadi. The Office Action states that it would have been obvious to a person of ordinary skill in the art at the time that the invention was made to combine Astarabadi's ideas of displaying polling information on the user's display screen with Chinta's system in order to provide conveniences for the user, and cites to Col. 6, lines 1-50 in Astarabadi. However, the cited sections of Astarabadi discuss only the components of a system that are involved in printing a job or displaying information on a client computer station. There is no mention of any convenience to a user. However, even if Astarabadi discussed convenience to the user, such a general motivating factor fails to motivate one of skill in the art to specifically combine Chinta and Astarabadi. *See In re Lee*, 277 F.3d 1338, 1342-44 (Fed. Cir. 2002) (there must be objective evidence and specific factual findings with respect to the motivation to combine references). *See also Ecolochem v. Southern California Edison Co.*, 277 F.3d 1361, 1372 (Fed. Cir. 2002) (broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence of obviousness).

For at least these reasons, the Office Action has failed to establish a *prima facie* case of obviousness regarding claim 9, and the Applicant respectfully requests the withdrawal of this rejection.

Claim 10 is dependent on claim 9, and thereby incorporates all the elements of claim 9. Consequently, the Office Action has also failed to establish a *prima facie* case of obviousness regarding claim 10, and the Applicant respectfully requests the withdrawal of the rejection of claim 10.

Claim 11 was rejected under 35 USC § 103(a) as being unpatentable over Chinta et al. (U.S. 6,879,995) and Astarabadi et al. (U.S. 6,701,357) in view of Robert et al. (U.S. 6,754,693). The Applicant respectfully traverses this rejection.

Claim 11, like claim 10, is dependent on claim 9, and thereby incorporates all the elements of claim 9. As pointed out above, Chinta does not teach or suggest all the limitations of

claim 9. The cited portions of Robert et al. do not remedy this deficiency. Notwithstanding, the Office Action states that it would have been obvious to a person of skill in the art at the time the invention was made to combine Roberts' idea of using script language for updating changes to the user with Chinta-Astarabadi's system in order to be able to monitor a communication event currently. However, as explained above, the Office Action has failed to establish a motivation to combine Chinta and Astarabadi. Additionally, as discussed *supra*, such a general motivating factor fails to motivate one of skill in the art to combine Chinta, Astarabadi, and Roberts. Consequently, the Office Action has failed to establish a *prima facie* case of obviousness regarding claim 11, and the Applicant respectfully requests the withdrawal of this rejection.

Claims 1-8 were rejected under 35 USC § 103(a) as being unpatentable over Chinta et al. (U.S. 6,879,995) in view of LiVecchi et al. (U.S. 2001/0018701), further in view of Zhao et al. (U.S. 6,799,213). The Applicant respectfully traverses this rejection.

Claim 1 recites a method for sending a request for an operation selected from a page to a server, wherein the page is displayed by a browser interpreting data and control information in the page, receiving a verification that the request for the operation was received, executing an application identified by the page to poll the server for a result of the operation, and receiving the result of the operation.

Claim 1 is not unpatentable under 35 U.S.C. § 103(a) over Chinta in view of LiVecchi and further in view of Zhao since these references, either alone or in combination, do not disclose all the limitations of claim 1. The Office Actions admits that neither Chinta nor LiVecchi discloses "executing an application identified by the page to poll the server for a result of the operation" as recited in claim 1. However, contrary to the contention in the Office Action, Zhao does not remedy this deficiency. The portion of Zhao (Col. 8, lines 45-50) cited by the Office Action discusses polling only as it relates to a connection between a client and a server, and it does not disclose an application that is identified by a page to poll a server. By contrast, claim 1 recites the sending of a request for an operation to a server, and the execution of an application identified by the page to poll the server for a result of the operation.

And even if Chinta, LiVecchi, and Zhao disclosed all the limitations in claim 1, the Office Action has failed to established a proper motivation, or point to a specific suggestion in the art, to combine these references. Moreover, the general motivating factor cited in the Office

Action (*i.e.*, establish communication connections without creating a protocol error) is insufficient to motivate one of skill in the art to specifically combine Chinta, LiVecchi, and Zhao.

Consequently, the Office Action has therefore failed to establish a *prima facie* case of obviousness regarding claim 1, and the Applicant respectfully requests the withdrawal of the rejection of claim 1.

Since claims 2-4 are dependent on claim 1, they incorporate all the limitations of claim 1, and as such, the Office Action has failed to establish a *prima facie* case of obviousness in relation to those claims. The Applicant further respectfully requests the withdrawal of the rejection of claims 2-4.

Regarding claim 5, the Office Action does not provide specific reasons and evidence for its decision that claim 5 is unpatentable under 35 U.S.C. § 103(a), but rather conclusively states that claim 1 is exemplary of claim 5. The Applicant respectfully submits that by merely stating that claim 1 is exemplary of claim 5, the Office Action has failed to establish a *prima facie* case of obviousness for claim 5, and for claims 6-8 that are dependent on claim 5.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

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Assignee: Intel Corporation

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Conclusion

The Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-371-2140) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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March 10, 2006

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of March, 2006.

Name

Amy Moriarty

Signature

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